

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

GREENSTONE FARM CREDIT SERVICES, ACA, et al.

Plaintiff,

v.

Case No. 10-C-1175

GARY ORT, et al.,

Defendants.

ORDER

Plaintiffs filed a third motion to compel Defendant Gary Ort to respond to certain discovery requests. Defendant Ort has not responded to the motion. According to Plaintiffs' uncontested account, Ort has been completely unresponsive to its discovery requests and has failed to supplement the documents and responses provided, despite a promise to do so. In fact, the instant motion mirrors a motion, granted two months ago, seeking similar relief. In this motion, Plaintiffs state that what was supposed to be a review of Ort's documents was merely a document "dump" and revealed no effort on the part of Ort or his attorney to comply with their requests. One box produced for document review contained not documents but a box of condoms, for example. (Clarkowski Decl., Ex. C.) Defendant Ort has not shown any reason that the supplemental responses requested by the Plaintiffs should not be made forthwith. He is therefore ordered to respond to the supplemental requests set forth in paragraph 2 of the declaration of Andrew Clarkowski. (Dkt. # 40.)

Plaintiffs allege that not only have their discovery requests gone unheeded, but emails sent between attorneys have not received responses. This uncontested portrayal of unprofessional

conduct is troubling, as a repeated failure to simply respond to an email reflects a cavalier attitude toward the practice of law and a dereliction of one's own professional responsibilities. These sorts of circumstances almost guarantee needless motion practice, increase expense, and denigrate the profession. For now, the conduct described warrants payment of Plaintiff's attorney's fees incurred in bringing the motion. If Defendant Ort persists in his foot-dragging and obstructive approach to this lawsuit, however, monetary sanctions under Rule 11 may be warranted, and the case could be subject to entry of judgment as a sanction as well.

The motion to compel is **GRANTED**. Defendant Ort is ordered to comply with Plaintiff's supplemental discovery requests within 10 days. Plaintiff is awarded reasonable attorney's fees and costs incurred in bringing this motion.

SO ORDERED this 12th day of October, 2011.

s/ William C. Griesbach
William C. Griesbach
United States District Judge